

## **Minutes of Meeting**

### **VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES DECEMBER 16, 2003 (10:00 AM)**

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Frank J. Quayle, Presiding Board Member and Florence Daniels, Assisting Board Member. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case  
Lic=Licensing Application

C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
PB=Principal Broker  
SA=Sales Agent  
Invest=Investigator  
W=Witness

#### **Participants**

Michelle Wingo  
File Number 2002-01969 (Discp)

Michelle Wingo – R  
Brenda Phelps – W (by phone)  
Janet Creamer – Invest  
.

Joan Robbins  
File Number 2002-01970 (Discp)

Joan Robbins – R  
Brenda Phelps – W (by phone)  
Janet Creamer – Invest  
.

Rebecca R. Overlin  
File Number 2004-02360 (Lic)

Becky Overlin – A

The meeting adjourned at 1:50 p.m.

Virginia Real Estate Board

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S. Ronald Owens, Chairman

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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
REAL ESTATE BOARD**

**RE: MICHELLE LEIGH WINGO  
LICENSE NUMBER: 0225-030532**

**FILE NUMBER: 2002-01969**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on December 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Michelle Leigh Wingo on October 14, 2003, and by reschedule letter on October 27, 2003. The following individuals participated at the conference: Michelle Leigh Wingo, Respondent; Brenda Phelps, Witness (By Phone); Janet Creamer, Investigator; Douglas W. Schroder,

Staff Member; and Frank J. Quayle, Presiding Board Member and Florence Daniels, Assisting Board Member.

### **Summation of Facts**

1. On or about October 12, 2001, Brian and Danette Hurt (Hurts), as Purchasers, made a Purchase Offer for property known as 1220 Karnes Road in Bedford, Virginia, through Century 21 All Service, as Selling Broker, by Michelle Wingo and Joan Robbins, as buyer's agents, and Real Estate 2000, as Listing Broker, by Brenda Phelps, as listing agent, representing John Jones (Jones), the seller. The offer price was \$185,000.00. The offer was rejected by the seller. There was no written rejection.
2. On or about October 30, 2001, John Jones, through Brenda Phelps, asked if the Hurts would be interested in making another offer on the property. The Hurts were willing to proceed with another offer, using the Purchase Offer dated October 12, 2001. On October 30, 2001, the Hurts signed an addendum to their purchase offer dated October 12, 2001. The addendum specified that "... This ADDENDUM TO CONTRACT OF PURCHASE, which is attached to and made a part of contract of purchase,..." The Addendum set forth some items to be repaired.
3. On or about October 31, 2001, John Jones (Jones), the seller, rejected the addendum. On the same date, Brenda Phelps (Phelps) informed Michelle Wingo (Wingo) by telephone that Jones had rejected the addendum, and that the offer was no longer valid. Phelps also told Wingo that the seller was planning to sign an offer on the property from another party. There was no written rejection. On November 1, 2001, Wingo informed the Hurts of the seller's plans to sign another offer, however did not tell the Hurts that the transaction was no longer valid even though Phelps told Wingo that the Hurts' offer was no longer valid.
4. On or about October 31, 2001, Jones accepted an offer on the property from another party, which settled on or about November 20, 2001.
5. On or about November 19, 2001, Henry Clark, Attorney, told the Hurts that he had informed Wingo and Joan Robbins, approximately one week prior that the transaction was no longer valid. Prior to this date, the Hurts had proceeded with the transaction, believing they still had a valid contract.
6. On or about December 11, 2001, Michelle Wingo sent the Hurts a letter by 1<sup>st</sup> class mailing regarding the transaction not proceeding. Wingo enclosed the Hurts' original earnest money check of \$1,000.00. The Hurts never received the letter and check.

### **Conclusion and Recommendation**

Count 1: Code of Virginia § 54.1-2132(A)(2)(c)

After a thorough review of the information provided by the different parties, and in the absence of testimony from the complainant, we recommend that this count of the file be closed with a finding of no violation.

Count 2: Code of Virginia § 54.1-2132(A)(4)

Michelle L. Wingo's actions of mailing the earnest money deposit check to the buyer by standard first class mail is exercising ordinary care. Therefore, we recommend that this count of the file be closed with a finding of no violation.

By: \_\_\_\_\_

Frank J. Quayle  
Presiding IFF Board Member  
Real Estate Board

Date: \_\_\_\_\_

By: \_\_\_\_\_

Florence Daniels  
Assisting IFF Board Member  
Real Estate Board

Date: \_\_\_\_\_

#### **FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0225-030532 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

## **REAL ESTATE BOARD**

**RE:      JOAN T. ROBBINS**  
**LICENSE NUMBER: 0225-053234**

**FILE NUMBER: 2002-01970**

### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on December 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Joan T. Robbins, on October 14, 2003, and by reschedule letter on October 27, 2003 . The following individuals participated at the conference: Joan Robbins; Respondent; Brenda Phelps, Witness (By Phone); Janet Creamer, Investigator; Douglas W. Schroder, Staff Member; and Frank J. Quayle, III, Presiding Board Member and Florence Daniels, Assisting Board Member.

### **Summation of Facts**

1.      On or about October 12, 2001, Brian and Danette Hurt (Hurts), as Purchasers, made a Purchase Offer for property known as 1220 Karnes Road in Bedford, Virginia, through Century 21 All Service, as Selling Broker, by Michelle Wingo and Joan Robbins, as buyer's agents, and Real Estate 2000, as Listing Broker, by Brenda Phelps, as listing agent, representing John Jones (Jones), the seller. The offer price was \$185,000.00. The offer was rejected by the seller. There was no written rejection.

2.      On October 30, 2001, John Jones, through Brenda Phelps, asked if the Hurts would be interested in making another offer on the property. The Hurts were willing to proceed with another offer, using the Purchase Offer dated October 12, 2001. On October 30, 2001, the Hurts signed an addendum to their purchase offer

dated October 12, 2001. The addendum specified that "... This ADDENDUM TO CONTRACT OF PURCHASE, which is attached to and made a part of contract of purchase,..." The Addendum set forth some items to be repaired.

3.      On or about October 31, 2001, John Jones, the seller, rejected the addendum. On the same date, Brenda Phelps informed Michelle Wingo by telephone that Jones had rejected the addendum, and that the offer was no longer valid. Phelps also told Wingo that the seller was planning to sign an offer on the property from another party. There was no written rejection. On November 1, 2001, Wingo informed the Hurts of the seller's plans to sign

another offer, however did not tell the Hurts that the transaction was no longer valid even though Phelps told Wingo that the Hurts' offer was no longer valid.

4. On or about October 31, 2001, Jones accepted an offer on the property from another party, which settled on or about November 20, 2001.

5. On or about November 19, 2001, Henry Clark, Attorney, told the Hurts that he had informed Wingo and Joan Robbins, approximately one week prior that the transaction was no longer valid. Prior to this date, the Hurts had proceeded with the transaction, believing they still had a valid contract.

6. On or about December 11, 2001, Michelle Wingo sent the Hurts a letter by 1<sup>st</sup> class mailing regarding the transaction not proceeding. Wingo enclosed the Hurts' original earnest money check of \$1,000.00. The Hurts never received the letter and check.

### **Conclusion and Recommendation**

Count 1: Code of Virginia § 54.1-2132(A)(2)(c)

After a thorough review of the information provided by the different parties, and in the absence of testimony from the complainant, we recommend that this count of the file be closed with a finding of no violation.

Count 2: Code of Virginia § 54.1-2132(A)(4)

Michelle L. Wingo's actions of mailing the earnest money deposit check to the buyer by standard first class mail is exercising ordinary care. Therefore, we recommend that this count of the file be closed with a finding of no violation.

By: \_\_\_\_\_

Frank J. Quayle, III  
Presiding IFF Board Member  
Real Estate Board

Date: \_\_\_\_\_

By: \_\_\_\_\_

Florence Daniels  
Assisting IFF Board Member  
Real Estate Board

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0225-053234 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
REAL ESTATE BOARD**

**RE: REBECCA R. OVERLIN  
APPLICATION**

**FILE NUMBER: 2004-02360**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on December 16, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Rebecca R. Overlin on December 12, 2003. The following individuals participated at the conference: Rebecca R. Overlin, Applicant; Douglas W. Schroder, Staff Member; And Frank J. Quayle, III, presiding Board Member and Florence Daniels, assisting Board Member.

**Summation of Facts**

1. Rebecca R. Overlin applied for a real estate salesperson's license by reciprocity on November 18, 2003, and disclosed a previous disciplinary action on her application.

2. On or about August 13, 2003, the Oregon Real Estate Agency entered into a Stipulated Final Order with Rebecca R. Overlin, in which Rebecca R. Overlin was found in violation of ORS 696.301(33) and OAR 863-015-0255(2) pursuant to ORS 696.301(27) and was reprimanded.

### **Conclusion and Recommendation**

Based upon the record and information presented at the conference, we recommend Rebecca R. Overlin's application be approved .

By: \_\_\_\_\_

Frank J. Quayle, III  
Presiding IFF Board Member  
Real Estate Board

Date: \_\_\_\_\_

By: \_\_\_\_\_

Florence Daniels  
Assisting IFF Board Member  
Real Estate Board

Date: \_\_\_\_\_